

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ARIONE DAMARQUISE TEALER,

Defendant.

8:07CR267

ORDER

This matter is before the court on the motion of Assistant Federal Public Defender Jeffrey L. Thomas and the Office of the Federal Public Defender to withdraw as counsel for the defendant, Arione Damarquise Tealer (Tealer) (Filing No. 10). Mr. Thomas represents he has a conflict of interest in this matter. Mr. Thomas's and the Office of the Federal Public Defender's motion to withdraw (Filing No. 10) is granted. Brian S. Munnelly, 626 South 19th Street, #9, Omaha, NE 68102, (402) 991-8100, is appointed to represent Tealer for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Thomas shall forthwith provide Mr. Munnelly with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Thomas which are material to Tealer's defense.

The clerk shall provide a copy of this order to Mr. Munnely, and he shall file his appearance forthwith.

Tealer will be given **until September 7, 2007**, in which to file any pretrial motions in accordance with the progression order (Filing No. 7). The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **August 16, 2007 and September 7, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B). The trial of this matter will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline.

IT IS SO ORDERED.

DATED this 16th day of August, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge